

06-28-00

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PATENT

Attorney Docket No. 101.0044-04000

Customer No. 22882

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Prior Application: Art Unit: 3764
Examiner: M. Brown

#2/a
11/5/00

1c784 U.S. PTO

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SIR: This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 08/396,414, filed February 27, 1995 of Gary K. Michelson, M.D. for Apparatus and Method of Inserting Spinal Implants.

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 08/396,414 as originally filed on February 27, 1995.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☒ Cancel Claims 2-104.
4. ☐ A Preliminary Amendment is enclosed.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 and 4 above.

Basic Application Filing Fee					\$690	\$ 690.00
	Number of Claims		Basic	Extra Claims		
Total Claims	1	-	20	0	x \$18	0
Independent Claims	1	-	3	0	x \$78	0
[] Presentation of Multiple Dep. Claim(s)					+\$260	-
Subtotal						\$ 690.00
Reduction by 1/2 if small entity						- 0
TOTAL APPLICATION FILING FEE						\$ 690.00

06/27/00



1c784 U.S. PTO

08/396,414 - 06/27/00

6. ☐ A check in the amount of \$[Fee] to cover the filing fee is enclosed.
7. ☒ The Commissioner is hereby authorized to charge the filing fee in the amount of \$690.00 and any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No.50-1066.
8. ☒ Amend the specification by changing the first paragraph of the Related Applications section of the specification to read as follows:

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--This is a ☒ continuation ☐ division of application Serial No. 08/396,414, filed February 27, 1995, which is incorporated herein by reference.--

9. ☒ New formal drawings are enclosed.
10. ☐ The prior application is assigned of record to: _____
11. ☐ Priority of application Serial No. _____, filed on _____ in _____ (country) is claimed under 35 U.S.C. § 119. A certified copy
 - ☐ is enclosed or ☐ is on file in the prior application.
12. ☐ A verified statement claiming small entity status
 - ☐ is enclosed or ☐ is on file in the prior application.
13. ☒ The power of attorney in the prior application is to at least one of the following: MARTIN & FERRARO, LLP; Thomas H. Martin, Reg. No. 34,383; Amedeo F. Ferraro, Reg. No. 37,129; and Todd M. Martin, Reg. No. 42,844.
14. ☐ The power appears in the original declaration of the prior application.
15. ☒ Since the power does not appear in the original declaration, a Revocation of Original Power of Attorney and Grant of New Power of Attorney is enclosed.
16. ☒ Please address all correspondence to MARTIN & FERRARO, LLP, 14500 Avion Parkway, Suite 300, Chantilly, Virginia 20151-1101.
17. ☐ Recognize as associate attorney _____
(name, address & Reg. No.)
18. ☐ Also enclosed is _____

By: Thomas H. Martin
Thomas H. Martin
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